

## § 106.100

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AUTHORITY: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191; 33 CFR 1.05-1, 6.04-11, 6.14, 6.16, and 6.19; Department of Homeland Security Delegation No. 0170.

SOURCE: USCG-2003-14759, 68 FR 39322, July 1, 2003, unless otherwise noted.

EFFECTIVE DATE NOTE: By USCG-2003-14759, 68 FR 39345, July 1, 2003, part 106 was added, effective July 1, 2003, until Nov. 25, 2003.

## Subpart A—General

### § 106.100 Definitions.

Except as specifically stated in this subpart, the definitions in part 101 of this subchapter apply to this part.

### § 106.105 Applicability.

The requirements in this part apply to owners and operators of any fixed or floating facility, including MODUs not subject to part 104 of this subchapter, operating on the Outer Continental Shelf (OCS) of the United States for the purposes of engaging in the exploration, development, or production of oil, natural gas, or mineral resources that are regulated by 33 CFR subchapter N, that meet the following operating conditions:

- (a) Hosts more than 150 persons for 12 hours or more in each 24-hour period continuously for 30 days or more;

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- (b) Produces greater than 100,000 barrels of oil per day; or

- (c) Produces greater than 200 million cubic feet of natural gas per day.

### § 106.110 Compliance dates.

- (a) On or before December 29, 2003, each Outer Continental Shelf (OCS) facility owner or operator must submit for each OCS facility a Facility Security Plan (FSP) described in subpart D of this part for review and approval to the cognizant District Commander.

- (b) On or before June 25, 2004, each OCS facility owner or operator must be operating in compliance with this part.

- (c) OCS facilities built on or after July 1, 2004, must submit for approval an FSP 60 days prior to beginning operations.

### § 106.115 Compliance documentation.

Each OCS facility owner or operator subject to this part must ensure that no later than July 1, 2004, that copies of the following documentation are available at the OCS facility and are made available to the Coast Guard upon request:

- (a) The approved Facility Security Plan (FSP) and any approved revisions or amendments thereto, and a letter of approval from the cognizant District Commander dated within the last 5 years;

- (b) The FSP submitted for approval and current written acknowledgment from the cognizant District Commander, stating that the Coast Guard is currently reviewing the FSP submitted for approval and that the OCS facility may continue to operate so long as the OCS facility remains in compliance with the submitted FSP; or

- (c) For OCS facilities operating under a Coast Guard-approved Alternative Security Program as provided in § 106.135, a copy of the Alternative Security Program the OCS facility is using and a letter signed by the OCS facility owner or operator, stating which Alternative Security Program the OCS facility is using and certifying that the OCS facility is in full compliance with that program.

### § 106.120 Noncompliance.

When an OCS facility is not in compliance with the requirements of this

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part, the OCS facility owner or operator must notify the cognizant District Commander and request a waiver to continue operations.

### § 106.125 Waivers.

Any OCS facility owner or operator may apply for a waiver of any requirement of this part that the OCS facility owner or operator considers unnecessary in light of the nature or operating conditions of the OCS facility. A request for a waiver must be submitted in writing with justification to the cognizant District Commander. The cognizant District Commander may require the OCS facility owner or operator to provide additional data for use in determining the validity of the requested waiver. The cognizant District Commander may grant a waiver, in writing, with or without conditions only if the waiver will not reduce the overall security of the OCS facility, its personnel, or visiting vessels.

### § 106.130 Equivalents.

For any measure required by this part, the OCS facility owner or operator may propose an equivalent, as provided in § 101.130 of this subchapter.

### § 106.135 Alternative Security Program.

An OCS facility owner or operator may use an Alternative Security Program approved under § 101.120 of this subchapter if:

- (a) The Alternative Security Program is appropriate to that OCS facility;
- (b) The OCS facility does not serve vessels on international voyages; and
- (c) The Alternative Security Program is implemented in its entirety.

### § 106.140 Maritime Security (MARSEC) Directive.

All OCS facility owners or operators subject to this part must comply with any instructions contained in a MARSEC Directive issued under § 101.405 of this subchapter.

### § 106.145 Right to appeal.

Any person directly affected by a decision or action taken under this part, by or on behalf of the Coast Guard,

may appeal as described in § 101.420 of this subchapter.

## Subpart B—Outer Continental Shelf (OCS) Facility Security Requirements

### § 106.200 Owner or operator.

(a) Each OCS facility owner or operator must ensure that the OCS facility operates in compliance with the requirements of this part.

(b) For each OCS facility, the OCS facility owner or operator must:

(1) Define the security organizational structure for each OCS Facility and provide each person exercising security duties or responsibilities within that structure the support needed to fulfill those obligations;

(2) Designate in writing, by name or title, a Company Security Officer (CSO) and a Facility Security Officer (FSO) for each OCS Facility and identify how those officers can be contacted at any time;

(3) Ensure that a Facility Security Assessment (FSA) is conducted;

(4) Ensure the development and submission for approval of a Facility Security Plan (FSP);

(5) Ensure that the OCS facility operates in compliance with the approved FSP;

(6) Ensure that adequate coordination of security issues takes place between OCS facilities and vessels, including the execution of a Declaration of Security (DoS) as required by this part;

(7) Ensure, within 12 hours of notification of an increase in MARSEC Level, implementation of the additional security measures required by the FSP for the new MARSEC Level; and

(8) Ensure all breaches of security and security incidents are reported in accordance with part 101 of this subchapter.

### § 106.205 Company Security Officer (CSO).

(a) *General.* (1) An OCS facility owner or operator may designate a single CSO for all its OCS facilities to which this part applies, or may designate more than one CSO, in which case the owner or operator must clearly identify the